

U. S. PTO Customer No. 25280

Case #2013D

**REMARKS**

Claims 68 -76 were pending in the application. Claims 68 and 75 have been amended. No claims have been added or canceled. Thus claims 68-76 remain subject to continued examination. Each of these claims is believed to be in condition for allowance. Accordingly, an action to that effect is requested at this time.

**CLAIM OBJECTIONS AND REJECTIONS UNDER 35 U.S.C. 112**

Each of claims 68-76 were objected to or rejected under 35 U.S.C. 112. Applicant has amended the claims in the manner set forth above in what is believed to be a substantially cosmetic manner consistent with the recommendations set forth by the Examiner. Accordingly, reconsideration and withdrawal of all outstanding objections and rejections based on claim form is requested at this time.

**OBVIOUSNESS REJECTIONS:**

Claims 68-76 were rejected under 35 U.S.C. 103(a) as being obvious over Nishimura et al. '300 (JP 9-175300) or Nishimura et al. '592 (JP8-230592) in view of U.S. Patent 5,316,337 to Yamaji et al. and U.S. Patent 5,520,414 to Bishop. Continued rejection on this basis is respectfully traversed and reconsideration is requested at this time.

As stated at MPEP §2143, in order to establish a *prima facie* case of obviousness there must be some suggestion or motivation, either in references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references, or to combine reference teachings. The suggestion to make the

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claimed combination and a reasonable expectation of success must be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20, USPQ2d 1438 (Fed. Cir. 1991). MPEP §2143.01 goes on to state that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

The current basis for rejection is the contention set forth in the Office Action that it would have been obvious to modify either Nishimura et al. '300 or Nishimura et al. '592 to use a face panel with a substantially rectangular shape in order to simplify the manufacture of the air bag cushion. Applicants must respectfully disagree since the proposed substitution of a rectangular face panel for the substantially oval face panel (1) in Nishimura et al. '300 or the elongated hexagonal lobed face panel (3) in Nishimura et al. '592 would appear to render the air bag cushions of those references non-operational absent a substantial corresponding modification of the geometry of the body panels.

As best understood, Nishimura et al. '300 relies upon a mating seamed relation between circular arc portions of the face panel (1) and the body panels (2 and 3). While different oval shapes for face panels are illustrated in FIGS. 3-5, they all nonetheless utilize the nearly circular arc parts that are seamed to corresponding curved edges in the body panels. If a rectangular face panel were substituted into this construction, the edges would no longer match since one would be attempting to join curved and straight edges. The difficulties in attempting to join such dissimilar edges could be substantial

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leading to undesirable puckering and/or gas leakage. Such characteristics would likely render the cushion unsuitable for its intended use. Even if it were possible to somehow modify the body portions to mate more readily with a rectangular face, Applicant respectfully submits that such a complete redesign is outside the bounds of obviousness. Finally, even if the proposed substitution of a square face for the oval face were made, the benefit proposed by the Office Action of sewing a square shape rather than a curved shape would not be realized since the curved edges of the body panels (2 and 3) would presumably still have to be sewn to the face. Thus, the cushion would have to be redesigned without realizing any benefit. Under such circumstances Applicant must respectfully submit that the art of record does not support a *prima facie* case of obviousness, that such a proposed combination of references is based on improper hindsight and is taught away from by the references, and that the outstanding rejection should be withdrawn.

As regards the proposed modification of Nishimura et al. '592, Applicant respectfully notes that the body panel sections (1 and 2) are not configured to mate with the edges of a square face panel as proposed by the Office Action. In particular, each of the body panel sections has three boundary edges for mating with edges of a hexagonal lobed face panel. Thus, if a four sided face panel is used instead of the hexagonal lobed face panel of the primary reference, it appears that at least one edge of each body panel would have no corresponding joining edge thereby allowing gas to escape. Even if the proposed substitution of a square face for the hexagonal lobed face were made, the benefit proposed by the Office Action of sewing a square shape rather

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than a curved shape would not be realized since the curved edges (1S and 2S) of the body panels (1 and 2) would presumably still have to be sewn to the face. Thus, absent some additional modification to the body panels which is not contemplated by the Office Action, the proposed modification does not appear to lead to any reduction in curved seaming. In this situation the cushion would have to be redesigned without realizing any benefit. Under such circumstances Applicant must respectfully submit that the art of record does not support a *prima facie* case of obviousness, that such a proposed combination of references is based on improper hindsight and is taught away from by the references, and that the outstanding rejection should be withdrawn.

CONCLUSION:

On the grounds as set forth above, Applicants respectfully request that all remaining claims be passed to issue. While an attempt has been made to address all outstanding issues, to any extent that one or more issues remain, the undersigned respectfully requests a telephone conference to resolve such issues.

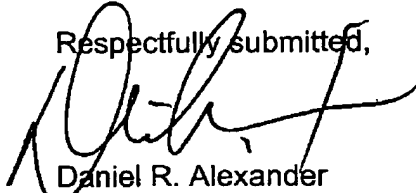
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This response is believed to be timely. However, to any extent required, a request for an extension of time is hereby made. Please charge any fees including fees for any extension of time and credit any overpayment in connection with this Amendment to Deposit Account 04-0500.

November 11, 2003

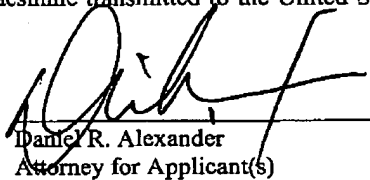
Respectfully submitted,



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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 703-872-9327 on November 11, 2003.

  
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